

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CHARLES HOLBROOK,

Petitioner,

v.

Case Number 2:17-cv-13081

HONORABLE DENISE PAGE HOOD

CHIEF UNITED STATES DISTRICT JUDGE

ERICK BALCARCEL,

Respondent,

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**OPINION AND ORDER DENYING THE MOTIONS/PETITIONS  
FOR RECONSIDERATION**

Petitioner, Charles Holbrook, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, in which he challenged his state court convictions for two counts of producing child sexually abusive material, two counts of allowing a child to engage in child sexually abusive activity, two counts of possessing child sexual abusive material, accosting a child for immoral purposes, felon in possession of a firearm, and being a third felony habitual offender. Because petitioner had challenged these convictions in a prior habeas petition, this Court ordered that the case be transferred to the United States Court of Appeals for authorization to file a successive habeas petition pursuant to 28 U.S.C. § 2244(b)(3)(A). (Dkt.

#3) Petitioner's case remains pending in the Sixth Circuit. *See In Holbrook*, U.S.C.A. No. 17-2242. Petitioner has now filed several new petitions/complaints, which the Court construes are motions for reconsideration of the Court's opinion and order transferring the case to the Sixth Circuit. For the reasons that follow, the petitions/motions are DENIED.

The Court denies petitioner's petitions/motions for reconsideration, because petitioner's case remains pending before the Sixth Circuit. The Sixth Circuit has yet to grant petitioner permission to file a second or successive petition or to issue a ruling that petitioner's current habeas petition is not a second or successive petition for which authorization is required, pursuant to § 2244(b)(3)(A).

A district court loses jurisdiction over a state prisoner's habeas petition when it transfers it to Court of Appeals on the ground that it is a second or successive petition. *Jackson v. Sloan*, 800 F. 3d 260, 261 (6th Cir. 2015). This Court thus lacks jurisdiction pursuant to 28 U.S.C.A. §§ 1631 and 2244(b)(3)(A) to consider petitioner's motions for reconsideration of the transfer order. *Id.*, at 261-62.

IT IS HEREBY ORDERED that the petitions/motions for reconsideration (Dkt. # 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,

19, and 20) are DENIED.

**SO ORDERED.**

S/Denise Page Hood  
Denise Page Hood  
Chief Judge, United States District Court

Dated: March 16, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 16, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager